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VIRGINIA IN 1639-40.

WYATT'S SECOND ADMINISTRATION.

(Abstracts by W. N. Sainsbury, and copies in the McDonald and De
jarnette Papers, Virginia State Library.)

(CONTINUED.)

REPORT ON SIR THOMAS GATES'S ESTATE.

(Abstract.)

July 30, 1639.

Report of the Sub Committee for Foreign Plantations to the Lords of the Privy Council, on petition of Edmund Dawber administrator of the estate of Sir Thomas Gates* deceased. That similar letters to those written by their Lordships 30th Nov^r 1632 to the Earls of Dorset and of Danby on behalf of Margaret Dawber and Elizabeth Gates, daughters and orphans of Sir Thomas Gates, and of Margaret relict of his eldest son for recovery of the estate left them by Sir Thomas Gates then deceased of which estate pet^r hath since taken forth letters of administration in right of said Orphans be now granted on behalf of Pet^r and directed to the Gov^r and Council of Virginia for the time being for the full recovery unto the Pet^r of the whole estate belonging to said Sir Thomas Gates within the Government of Virginia—Signed by Sir Will Becker Abrah. Williams, Sir Francis Wyatt and Geo. Sandys.

(*Colonial Papers*, Vol. 10, No. 31.)

The long explanatory and defensive letter from Governor Harvey and his Council printed in this Magazine III, 21-34, should be dated 1639.

* See Brown's Genesis, II, 894-896.

FRANCIS WYATT JR., AT CAMBRIDGE.

(Abstract.)

Westminster Palace, Aug. 7, 1639.

The King to the provosts of King's College Cambridge and of Eton College and to the electors there, Recommends Francis Wyatt a Scholar of Eton College and son of Sir Francis Wyatt Governor of Virginia to be chosen & admitted at this election to the first or second place in King's College Cambridge—Signed by the King.

(*Domestic Correspondence*: Charles I, Vol. 427, No. 28,)

REPORT ON PETITION OF REV. ANTHONY PANTON.

(Abstract.)

Aug. 10, 1639.

Report of the Sub-Committee for Foreign Plantations to the Lords of the Privy Council on petition of Anthony Panton* rector of York & Cheskeyack in Virginia against Richard Kemp Secretary of that Colony. Have heard pet^r witness & the sentence given against him and examined what relations have been sent over from the Gov^r and Council of Virginia concerning this business. That pet^r is an able Preacher and conformable to the church of England, diligent in his calling and without scandal in his life that he is sentenced to a fine of £500 to the king—public Submission to [in?] all the parishes in the Colony—disabilities ever to claim or possess anything in it & banishment from it on pain of death—the informations are charges of mutinous speeches & disobedience to Sir John Harvey & scandals against Rich. Kemp who framed said informations also a charge of counterfeiting and publishing a ridiculous letter from the Archbishop of Canterbury all of which pet^r denies—Cannot find out any proofs but rather that ten months before said sentence pet^r was presented by Sir John Harvey to a benefice, tho' he is accused of mutinous behaviour during the whole six or seven

* Rev. Anthony Panton minister of York had incurred the displeasure of Secretary Kemp and been banished from Virginia. See this Magazine, V, 123-128, XI, 170-172.

years of his residence "which seems to us very strange." The whole matter should be referred to the New Governor going thither but Sir John Harvey and Kemp not to assist & the former sentence suspended. 3 pp.

(*Colonial Papers*, Vol. 10, No. 32.)

PETITION OF ANTHONY PANTON.

(Abstract.)

1639 ? (see August 10.)

Petition of Anthony Panton, rector of York and Cheskiack in Virginia to the Lords of the Privy Council. Upon report from the Commissioners for Foreign Plantations their Lordships directed letters to Sir Francis Wyatt the now Governor and the council concerning an injurious sentence against pet^r to rehear said case and suspend that part touching pet^r banishment. For as much as he doubts not but at the rehearing to manifest his innocence & integrity and is informed that Sir John Harvey who hath pet^r goods & estate in his hands hath already wasted part, so that he fears it will be all irrecoverably consumed before his cause be ended. Prays that directions may be given to deliver same into the hands of Sir Francis Wyatt, that if pet^r be found innocent he may be restored to his cure. Underwritten is a mem.

The Lord's first letter was dated Aug. 11, 1639.

(*Colonial Papers*, Vol. 10, No. 33.)

PETITION OF HOWARD HORSEY IN REGARD TO QUIT RENTS.

(Abstract.)

Sept. 20, 1639.

Petition of Howard Horsey to the King. An annual rent of 12d upon every fifty acres in Virginia reserved to the King has never been paid and the Receiver General is lately dead without giving any account of his service in regard to his great charges & trouble because of the wildness of the plantation.

The rent being a badge of sovereignty which ought not to be omitted, and the pet^r settled there having great experience and

able to raise the rent to a good value, prays for a grant of the office of Receiver General and a lease for 14 years or the nomination of two lives, at a reasonable rate, for which pet^r will pay a yearly rent to be estimated with power to compound for arrears and survey all lands granted by patent or order of Court. With reference to the Lord Keeper, Lord Treasurer, Earl of Dorset & Lord Cottington to report on the whole business. Whitehall, 1639, Sept. 2.

(*Domestic Charles I*, Vol. 403, p. 43.)

PETITION OF SHIP OWNERS.

(Abstract.)

Sept.? 1639.

Petition of the Merchants Masters and Owners of the William & Sara, the Charles, the George, and the Charity of London to the Lords of the Privy Council. That said ships came from Virginia about April and May last with great quantities of tobacco & other commodities to the port of London for which pet^r paid his Maj. great sums of money for custom—are now ready to go with said ships to Virginia with passengers & provisions for supply of their plantations there but cannot be permitted to clear their ships without order from their Lordships. Prays that orders be given to the officers of his Maj. Customs to suffer pet^r to clear said ships together with the passengers & provisions and that said passengers be examined & take the oaths of allegiance & supremacy at gravesend as hath been usual.

(*Colonial Papers*, Vol. 10, No. 37.)

[Inclosures in Above.]

List of provisions on board the William & Sara, the George the Charity and the Charles—with 100 passengers on each ship (not named).

License from the Privy Council to the officers of his Maj; Customs within the Ports of London and Gravesend for the ships above named with the passengers and provisions to pass

on in their intended voyage without hinderance or molestation provided that all the said passengers first take the oaths of allegiance and supremacy 1639 Sept 15. Draft with corrections.

(*Colonial Papers*, Vol. 10, Nos. 37, I, II.)

PETITION OF VASSALL &C., MERCHANTS.

(Abstract.)

Petition of Samuel Vassall,* William Felgate and Maurice Thompson of London Merchants to the Lords of the Privy Council. Have freighted the Anne & the James of London, for a voyage to St. Christopher's & Virginia, heretofore stayed by a general stay in the Thames and afterwards in regard of the urgent necessity of supply in said Plantations released. But driven by contrary winds into Plymouth they are there again detained to the great damage of pet^r having already lost three months by the said stays and contrary winds—Pray in regard of their excessive charge having on board about two hundred passengers besides Mariners, for a warrant for release of said ships.

(*Colonial Papers*, Vol. 10, No. 44.)

TOBACCO PLANTING RESTRICTED.

(Abstract.)

Mem : that Instructions were sent for the restraining the excessive planting of tobacco and that for the two next ensuing

* Samuel Vassall, an eminent merchant was M. P. for London 1640-60, and was one of the original patentees of Massachusetts lands. He was son of John Vassall of London, who fitted out at his own expense & Commanded two ships against the Spanish Armada. Samuel Vassall's brother William resided at Barbadoes, where he died in 1657. William Vassall had a son Col. John, who had many interests in Virginia, especially in Rappahannock County, and his daughter Anna, married Nicholas Ware, whose administration was printed in this Magazine, XII, 303. See *Walters's Gleanings*, II, 1310-1322.

For William Felgate see this Magazine, II, 181-182, and for Maurice Thompson, I, 188-189.

years there should not be planted above twelve hundred thousand weight per annum for the advancement of the price thereof.

(*Minute, Colonial Correspondence*, Vol. I, No. 20, p. 1.)

PETITION OF RALPH WYATT.

(Abstract.)

1639?

Petition of Ralph Wyatt to the King. Served in his Majesty's service in the troop of horse in the Isle of Rhe where "he lost much blood" besides the consumption of his means for which he hath had no recompense sufficient to discharge the costs of surgery.

Forasmuch as pet' had married the widow of Capt Wm. Button to whom by virtue of a letter from the Lords of the Council certain land was assigned in Virginia by orders of Court there amounting to 7000 acres and now in the possession of pet' Prays the confirmation thereof to him under the Great Seal in right of his wife whose estate hath been greatly impoverished by seeking the said land, there being nothing left her by said Button but the hopes of enjoying it for £1500 disbursed by her.

(*Colonial Papers*, Vol. 10, No. 45.)

ORDER OF PRIVY COUNCIL IN REGARD TO HORSES TO BE SENT TO VIRGINIA.

(Abstract.)

Jan. 1639-40.

The Lords of the Privy Council to the Governor & Council of Virginia. An order was made at the Quarter Court held at James City 26 March 1639 allowing Thomas Stegg* and Jeremy Blackman to furnish Virginia with horses, mares and such like beasts of carriage and to export from thence the like number of neat cattle. Recommend the same to the now Governor and

* Thomas Stegg, a London Merchant, who frequently resided in Virginia. See this Magazine, VI, 300. His will and that of his son Thomas Stegg, are given in *Walters's Gleanings*, 101-102.

Council and if they see no cause to alter it to confirm said order.

Drafts with Corrections.

(*Colonial Papers*, Vol. 10, No. 57.)

GOVERNOR WYATT* TO ———.

(COPY.)

Indorsed Virginia.

A letter from Mr. Francis Wyatt dat. 25 March, 1640, rec'd at Whitehall, the 5th of June, 1640.

Sir:

Since my arrival in Virginia wee have beene (in a manner) wholly taken up about the regulation of tobacco† the excessive planting whereof hath beene so greate an hindrance to the growth of this Colony. By reason of the vast quantities made this yeare we have been forced to a strict way of destroying the bad and halfe the goode which was propounded to us & desired by the principal merchants about London as the only means to raise the price and though the physicke seems sharp yet I hope it will bring the body of the Colony to a sound constitution of health then ever it enjoyed before. We have represented in our petition to their L^os the necessary reasons for it in opposi-

* Sir Francis Wyatt's second administration as Governor of Virginia, extended from November, 1639 to February, 1641-2, when he was succeeded by Sir William Berkeley. For notices of Governor Wyatt and the Wyatt family see this Magazine, III, 177-180; VII, 46-48; and *William & Mary Quarterly* II, 152; III, 35-74; VI, 257; X, 59; XI, 35-45, 111-116. Sir Francis Wyatt was greatly liked in Virginia, and after Harvey's unpopular administration he was especially welcome.

† At the session of Assembly beginning Jan. 6, 1639-40, a determined effort was made to improve the character of Virginia tobacco. The amount to be planted was restricted and elaborate provisions made for inspections. In *Hening* I, 224-225, brief abstracts of the various tobacco laws are given, but the *Robinson MSS*, Va. Historical Society Collection, contains the full text of the acts of this session. A list of the numerous "viewers" (inspectors) appointed and the portions of the act which prescribe their duties and the oath to be taken, were printed in this Magazine, V, 119-123, 274-277.

tion to any refractory person that may question the act, and I hope we shall find your Honor one Patron to joine in protecting us against any causeles complaint concerning it, and that it Will be judged as Service acceptable to his Maj^{ties} and their L^{opps}. I am farther in my owne particular to move your Honor that whereas it pleased his Maj^{ty} to grant to S^r John Harvey my predesessor the Fines & Amerceaments and other the like profitts wh. the Governors here have usually enjoyed to their own use without accompt for their better support in the many and great charges incident to the place I am become an humble Suitor to his majesty that he will be pleased to grant the like gracious Letters of Privie Seale to me, and I shall humbly beseech your Honor to prefer and recommend My Suite to his Maj^{tie} hoping that I shall not be denied to enjoy the advantages incident to my place thereby to take off from the charge as fully as my predecessor who held the Government ten yeares enjoyed them.

The experience of your Honores many favores embolden me their favre and oblige me to remaine Your Honours most ready to do you humble service.

FRANCIS WIAT.

March 25th, 1640.

(*Colonial X*, No. 62.)

RICHARD KEMP TO ———.

(Copy.)

March 20, 1639.

Right ho^{ble}.

Since ye late change by ye arrivall of new Gov^r was Sir Francis Wiate, They of the old Commission have bene persecuted with much malice, the weight whereof hath hitherto principallye fallen upon S^r John Harvey whose estate is wholly sequestred att p^rsent and att the next Court now approaching will assuredly be swept away. His present intendments are to repaire for England this yeare, but it is questionable whether ye passage will be free and open for him, perhaps fearing some new trouble to themselves.

I am an humble supplyant to yo^r Hono^r to move his Maj^{tie} for

his gracious license to me to see England ye next yeare, with power to depute some other during ye tyme of my absence wth deputacon I would conferr upon Mr. Georg Read with helpe to assist him for ye execucon thereofe.

I will enable myself in ye meane tyme to give his Ma^{ty} as perfect Accompt of his Revenue here and of all other perquisites to him wth other matters much inducing to his service.

Thus humbly resting.

Your hono^r humbly devoted,

RICH KEMP.

James Cittie this in March, 1639.

(*State Papers, Colonial*, Vol. 10, No. 61.

RICHARD KEMP TO SECRETARY WINDEBANKE.

(Copy.)

[April 24, 1640.]

Rt Hona^{ble}

I am to my much grieffe assured by the order of their Ld^{ps} and others of your Honors of his Majties Most hono^{ble} privie Councill transmitted hither this yeare to the new governor & councell for the rehearing of a cause & examining of the grounds of a sentence passed in October 1638 against one Mr. Anthony Panton a minister how much I suffer by the misinformation of the said Mr. Panton to that most honorable Board touching that matter as if by my unjust pracetyses & malicious complaints and not anie guilt in him had procured the act of banishment against him. But the greatest of my miseries is that I am traduced by him to have spoken irreverently and to the dishonor of my Lord Archbishop of Canterbury his Grace w^h he pretendeth to her [hear] to this effect & with this circumstance.

That upon his demand of an appeal I should ask him to whom & yt upon his saying that he would appeal to the King & my Lord of Canterbury I should answer I thought where I should have you from hence to Canterbury & from Canterbury to Roame, to which are words never uttered by me, neither did I ever harbour Anie disrespect in my breast towards his Grace.

I am sensible with what disadvantage I now plead, the accu-

sation having been urged in my absence and assisted with credit by mediation and friendshipp noe defence being neare for me in which point alone my innocence hath betrayed mee.

I am an humble suppliant to your Honor to acquaint my Lord Archbyschopp his Grace with this Certificate from the then Gov^r & the whole counsell then present & resident in the Collony excepting one who is since dead as also with this testimonie under the hand of the Clark of the Court then present who is ready to depose the same.

To which purpose I could procure the oathes of all or most who were then in presence whose qualitie deserves credit, But y^t I cannot send authentique Certificates of them as the termes now stand with mee, And I humbly crave that some circumstances may be heard for mee, for at that time Mr. Panton was knowne to mee to have much offended especiall manner against his Grace by Counterfeiting a Letter from his Grace as also by other words of Scandall towards him wh. were certified upon oath from the Governour & Counsell which Letter since the last arrivall of the said Mr. Panton to ye Colony he hath affirmed his Lordship did acknowledge was sent from him as will bee proved upon oath against him by one Capt. Richard Townshend now in England and who hath deposed the same already here. Though (as I understand) hee did (with what cunnige I cannot device) wrest that matter to my injurye. I will not trouble your Honor with any thing further at this time in ye cause concerning Mr. Panton wh. will bee transmitted at large very shortly.

But I humbly desire your Honor to represent to my Lord Archbishop his Grace these proofs & instance of my clearness & innocense in any disrespect towards him to whom I humbly bend with all reverence & humility which I had personally before this time done were I not detained here (I confess) with faire pretence of the necessitie of my attendance to ye service, but I may assure myself out of no other end than that my absence might prejudice my cause neither did I expect any other measure from this new change of government or ye persons trusted therein the ground of whose enmitie toward mee I shall not be ashamed in time & place to deliver which was the motive to my humble Suite the last yeare to your Honor for his Maj^{ty}

Letter to License my repaire for England wherein I againe humbly implore your Honour favor to his Maj^{tie}.

I present these lines by the hands of one Mr. Christopher Higginson* a neare kinsman to the Lord Bishop of Ely to whom I have sent a copy of the Certificates from the late Governor & Councill and this gentleman hath promised to do me all right in the reporting of my cause to his Lo^{pp} which he is the better enabled to do in respect Mr. Panton's enormities are so well known to him; Thus resting in all submission.

Your Honour humbly to serve you

RICH: KEMP.

James Cittie, this 24th of April, 1640.

(*Colonial X*, No. 64, III.)

[Indorsed] W. Indos. The duplicate of my letter to Mr. Secretary Windebanke, Virginia, 24th April, 1640.

RICHARD KEMP TO ROBERT READE.

(Abstract.)

James City, April 24, 1640.

Richard Kemp Secretary of Virginia to Robert Reade. Has sent inclosed copies of his letters to Sec. Windebank and Lord Baltemore and craves his good assistance to this gentleman. Mr. Higginson a near kinsman to my Lord of Ely whose strength he hopes will be added to his cause.

Is extremely injured and shall suffer without guilt unless his friends now assist him in his absence being bandied between the Sub-committee and the new Governor & Council here who aim at his ruin—Beseeches his endeavours and pains herein.

(*Colonial Papers*, Vol. 10, No. 64.)

[Indorsed] rec. 28 June by Mr. Higginson.

* Christopher Higginson lived in James City Co., and was a brother of Humphrey Higginson, member of the Virginia Council. Christopher Higginson died in 1673. Bishop Wren was at that time the incumbent of the see of Ely.

RICHARD KEMP TO LORD BALTIMORE.

(Inclosure in Above.)

(Abstract.)

Richard Kemp to Lord Baltimore account of the case as concerns himself and one Panton a Minister who was last year banished the Colony by Sir John Harvey and the rest of the then Council. Panton on his arrival in England found Capts. West, Mathews, and the rest of that faction ready to abet him in any complaint against us and to colour his foul offences—their malice found out a way to Kemp's ruin by charging Kemp with saying in reply to Panton's speech that he should appeal to the King and my Lord of Canterbury—"oh! I thought where I should have you first to Canterbury and then to Rome." Humbly beseeches his Lordships interest with Sec. Windebank to acquaint my Lord of Canterbury with the circumstances to clear Kemp, for he understands his Lordship is much incensed against Kemp. Hopes to be in England before the case comes before the Sub-committees if he can get away by stealth* Sir John sleeps away care and complies with his enemies to his further misfortune. 2 pp.

(*Colonial Papers*, Vol. 10, No. 64, I.)

CERTIFICATE OF GOVERNOR HARVEY & COUNCIL IN
REGARD TO KEMP.

(Abstract Inclosure.)

Certificate of the Governor and Council of Virginia. That Richard Kemp, Secretary of the Colony, preferred by their special order a bill of information on behalf of his Maj. against one Anthony Panton, clerk, touching several rebellions mutinous & riotous words and actions done & spoken by Panton in contempt of the Govern^t and authority established by his Maj. in this Colony. And that Panton being upon eviction banished the Colony hath reported that Kemp should have said when

* Kemp finally escaped from Virginia by stealth. A ship owner or master was summoned before the Virginia Council to answer for assisting Richard Kemp to depart secretly out of the country.

Panton craved to be admitted to appeal "You will appeal first to Canterbury and then to Rome."

That no such words or anything to that sense or purpose were spoken at that time by Kemp, for Panton did in plain and direct words appeal for England and Kemp's reply was—That he did not conceive it fitting for it would be a means to dispeople the King's Colony if all the witnesses against Panton were sent along with him. And Panton excepting in general terms against all the witnesses, Kemp replied: Here is no competent judge for you nor no competent witness against you, as you allege. I think you will at least appeal for Rome as the fittest place for such an Incendiary, no mention being of his Grace of Canterbury. That said imputation of words is most malicious and scandalous savoring of revenge and deserving of exemplary punish^t. Panton has been many years a turbulent wrestler with authority & hath heretofore been banished the Colony.

2 pp. signed by Harvey Browne & Brocas, 29th Oct., 1639.
(*Colonial Papers*, Vol. 10, No. 64 II.)

GEORGE READE TO ROBERT READE.

(Abstract.)

James City, April 24, 1640.

George Reade to his brother Robert Reade Secretary to Sec. Windebank Prays his brother to pay Capt. Peirce "which God knows I am not able to do." If his brother knew his necessities is sure he would not blame him. Hopes he has received money to supply him with two servants which may well be transported hither for £10 a man with bedding clothes and all things fitting for servants by whose labours and his own endeavours he hopes of a subsistence without any further trouble to his brother. Secretary Kemp intends to go for England to clear himself of those vile aspersions which Panton hath endeavoured to fix upon him "which my conscience tells me he is innocent of." Kemp being gone he has no friend left here for Sir John, by the time his creditors have done with him will have little for himself. Both Evans and Peirce stay in the country this year and if the money be not paid shall look to be prosecuted by them both, for he ex-

pects no favor at all from this new change of Government. Indorsed "rec. 28 June by Mr. Higgenson."

(*Colonial Papers*, Vol. 10, No. 66.)

SIR JOHN HARVEY* TO SECRETARY WINDEBANKE.

(Copy.)

Right Hon^{ble}:

I am soe narrowly watched that I have scarce time of privacye for these few lines w^{ch} doe humble crave of you to acquainte his Maj^{ty} how much I groan under the oppression of my prevayling enemies by whome the King's honor hath so much suffered and who are now advanced to be my judges and have soe far already proceeded against me as to teare from me my estate by an unusual way of inviting my creditors to clamor and not so content but I am denyed my passage for England notwithstanding my many infirmities & weaknesses of Body doe crave advice & helps beyond the skill & judgment which this place can give.

These with many others which I have not time to put into writing are the motives of my earnest & humble Suite to your Honor to move his Maj^{ty} for his Royall Warrant and mandate for my repayre to England where I shall at the feete of his sacred Maj^{ty} give account of his service and of my sufferings therein.

Humbly resting your Honors.

Humblest Servant,

JOHN HARVEY.

Poynt Comfort, this 6th of May, 1640.

State Papers, Col., Vol. 10, No. 67.

[Endorsed] 6 May, 1640, Sir John Harvey from Virginia by Mr. Kemp, Sec'r., these 30 June.

[Directed] to Right Hono^{ble} Sir Francis Windebank, Kn't Principle Secr. to his Maj^{ty} these humble p'sent.

* This is the last of the numerous letters, petitions, &c., from Sir John Harvey, which appear in the records relating to Virginia. In this melancholy fashion he disappears from our history. Most of our historians have shown Harvey's character and administration in a very bad light; but no one should form a final opinion without studying the very learned and able editorial note to Kemp's letter of May 17, 1635, in the *Aspinwall Papers*, *Mass. Historical Society Collections*, 4th Series, Vol. IX, 131-149.